

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
(CENTRAL DIVISION)**

**In re:**

**SOLAR WOLF ENERGY, INC.,  
Debtor.**

**Chapter 7  
Case No. 22-40693-CJP**

**TRUSTEE’S MOTION TO DESTROY ESTATE RECORDS  
(Re: Remaining Miscellaneous Debtor Records)**

To the Honorable Christopher J. Panos, United States Bankruptcy Judge:

NOW COMES Joseph H. Baldiga, Chapter 7 trustee (the “Trustee”) of the bankruptcy estate (the “Estate”) of Solar Wolf Energy, Inc. (the “Debtor”), and hereby moves (the “Motion”) this Court for an order authorizing the Trustee to immediately destroy certain of the Debtor’s remaining records (the “Remaining Estate Records”) which are stored in approximately thirty (30) boxes, plus twenty (20) personal computers and hard drives (collectively, the “Documents and Computers”), currently located in the Trustee’s office at 1800 West Park Drive, Suite 400, Westborough, Massachusetts (the “Trustee’s Office”) and are no longer necessary to the Trustee’s administration of the Estate. In support of this Motion, the Trustee submits the following:

**I. RELEVANT FACTUAL BACKGROUND**

**A. Relevant Bankruptcy Case Background.**

1. On September 23, 2022 (the “Petition Date”), the Debtor filed a voluntary petition for relief under Chapter 7 of the United States Bankruptcy Code, 11 U.S.C. §§ 101-1532 (the “Bankruptcy Code”).

2. On September 26, 2022, the United States Trustee appointed Joseph H. Baldiga Chapter 7 trustee of the Debtor's bankruptcy case, and he continues to serve as such.

3. On October 26, 2022, the Trustee conducted a three-plus hour initial meeting of creditors pursuant to Bankruptcy Code § 341(a) (the "Initial Meeting"). The Trustee conducted a two-plus hour continued meeting of creditors on December 7, 2022 (the "Continued Meeting"; together with the Initial Meeting, the "Creditors' Meetings"). Many creditors as well as representatives of certain governmental authorities (e.g., Yarmouth, Massachusetts Police Department and the Massachusetts Attorney General's Office) participated in each of the Creditors' Meetings.

4. The Trustee further continued the Creditors' Meetings to February 22, 2023 at which time the Trustee conducted and concluded the Creditors' Meetings.

**B. Debtor's Business Operations and Cessation of Business.**

5. Since in or about 2015, the Debtor was engaged in the solar power sales, installation and servicing business generally through three avenues: (a) the Debtor created contracts and installed equipment for customers that would become customers of SunPower Corporation and its affiliates ("SunPower") or SolarEdge Technologies, Inc. ("SolarEdge"; together with SunPower, the "Third Party Providers") after installation of those customers' projects; (b) the Debtor would purchase panels and related equipment from the Third Party Providers for customers of the Debtor, where the customers' contractual relationship would remain with the Debtor; and (c) the Debtor would act as a subcontractor for the Third Party Providers, where the Debtor would install panels and related equipment for customers of the Third Party Providers.

6. In April 2022, one of the Debtor's major suppliers and providers of contract work, SunPower, terminated its relationship with the Debtor and, in May 2022, the Debtor ceased operations.

**C. Debtor's Records in Trustee's Possession.**

7. In early November 2022, the Trustee took possession of the books, records and computer hard drives located at the Debtor's premises in Auburn, Massachusetts, comprised of approximately thirty (30) boxes of books and records and twenty (20) personal computers and hard drives (i.e., the Documents and Computers).

8. The records were in disarray, spread out among many office areas within the premises, in some instances strewn on desk tops and the floor. The Trustee and assistants boxed the records as best they could and attempted to keep them as organized as possible. Approximately ten (10) of the boxes appear to include subfolders identified by customer name. The materials in the subfolders vary; some subfolders contain copies of contracts related to installations by Third Party Providers and a description of the systems purchased, others are much more sparse. Other boxes contain corporate records and (older) account statements as well as employee-related information, and it is likely that there is personally identifiable information ("PII") in the records.

9. As to the computers retrieved (specifically, eighteen (18) computer hard drives, one laptop and one tablet), the Trustee has repeatedly requested that the Debtor's principal, Ted Strzelecki ("Mr. Strzelecki"), and Debtor's counsel provide login and password information. No access information has been provided to the Trustee to date. Accordingly, the Trustee is unable to access and verify what information may be stored on the computers.

10. Additionally, Mr. Strzelecki has indicated that the storage in one or more of the computers is likely corrupted. Further, the Trustee cannot be certain that there is no PII contained in the computers.

**D. Customers' Requests for Records.**

11. Since the Petition Date, several customers of the Debtor have contacted the Trustee seeking records related to the solar power system installed, partially installed, or not yet started by the Debtor. In addition, certain police departments and the Massachusetts Attorney General's Office (collectively, "Governmental Authorities") have contacted the Trustee seeking records or preservation of same in connection with their respective investigations of the Debtor's business and related matters.

12. Based on Mr. Strzelecki's testimony at the Continued Meeting, the Debtor installed one of two solar power systems for the Third Party Providers. In each instance, for a system to be installed and to become active, the respective entity (i.e., SunPower or SolarEdge) had to sign off on the activation of the system. As a result, customers with completed or even partially completed installations may be able to obtain information about their respective system and manufacturer warranty by contacting the respective Third Party Provider direct.

13. At the status hearing held in this case on December 6, 2022, the Court instructed the Trustee to devise a procedure by which customers would be provided the opportunity to obtain copies of their paper records from the Trustee.

**II. PROCEDURES FOR FACILITATION OF RECORDS REQUESTS**

14. On January 12, 2023, the Trustee filed a Motion for Order (I) Approving Notice Procedures Regarding Requests of Creditors and Governmental Authorities for Records, Including Form of Notice, and (II) Authorizing Destruction of Certain Estate Records (the

“Records Request Procedures Motion”) seeking an Order (1) approving procedures for the Trustee to provide notice to all creditors (including customers), certain governmental authorities, and other parties-in-interest (collectively, the “Interested Parties”) of the opportunity to request Debtor records currently held by the Trustee, and (2) authorizing the Trustee’s destruction (at the conclusion of all applicable notice periods) of the Documents and Computers [*Dkt. No. 173*]. The Trustee also requested approval of a form of notice (the “Notice to Interested Parties”) that the Trustee intended to mail to all Interested Parties regarding requests for Debtor records.

15. On February 9, 2023, after a hearing, this Court entered an Order allowing the Records Request Procedures Motion (as modified) (the “Records Request Procedures Motion Order”) [*Dkt. No. 213*].

16. On February 15, 2023, pursuant to the Records Request Procedures Motion Order, the Trustee mailed the Court-approved Notice to Creditors, Parties-In-Interest, and Governmental Authorities Regarding Solar Wolf Energy, Inc. (the “Notice to Interested Parties”) to all creditors (including customers), Governmental Authorities, and other parties-in-interest (i.e., all Interested Parties) and filed a Certificate of Service [*Dkt. No. 220*].

17. Among other things, the Notice to Interested Parties established (a) a deadline of April 30, 2023 for creditors and/or parties-in-interest to provide the Trustee with a written request for their respective paper records (the “Records Request Deadline”) and (b) a deadline of June 16, 2023 for the Trustee to respond to timely received written requests (the “Records Request Response Deadline”).

18. The Notice to Interested Parties also established a deadline of May 31, 2023 for Governmental Authorities to notify the Trustee of their willingness to retrieve and take custody

and responsibility for the Debtor's Documents and Computers (the "Governmental Authorities' Request Deadline").

19. The Trustee received thirty-nine (39) requests for records from creditors and/or parties-in-interest by the Records Request Deadline (i.e., April 30, 2023). Of the thirty-nine (39) requests received, the Trustee located thirty-eight (38) records and forwarded those records to the respective creditors and/or parties-in-interest by the Records Request Response Deadline (i.e., June 16, 2023). The Trustee was unable to locate one (1) customer file.

20. The Trustee did not receive any requests from Governmental Authorities to retrieve and take custody and responsibility for the Debtor's Documents and Computers by the Governmental Authorities' Request Deadline (i.e., May 31, 2023).

### **III. The Remaining Estate Records and Basis for Relief Requested.**

21. The Remaining Estate Records consist of various business records and computers gathered by the Trustee from the Debtor's former premises.

22. The Remaining Estate Records located at the Trustee's Office are stored in approximately thirty (30) boxes, plus twenty (20) personal computers and hard drives, and consist of miscellaneous business records. No access information has been provided to the Trustee for the computers and hard drives and, therefore, the Trustee is unable to access and verify what information may be stored on the computers and hard drives.

23. At this time, the Trustee has completed administration of the Estate, has requested preparation of the Estate's final tax returns and is preparing the Trustee's Final Report for submission to the Office of the United States Trustee.

24. As a result of the foregoing, the Trustee has determined that the Documents and Computers are no longer required in connection with the administration of the Estate, and the

continued retention of the Documents and Computers would be unnecessary and burdensome and will not benefit the Estate.

25. Accordingly, the Trustee believes and avers that it is in the best interest of the Estate that he be allowed to immediately destroy the Documents and Computers without further notice or hearing.

26. The Trustee will destroy the Documents and Computers at no cost to the Estate.

**IV. NOTICE OF MOTION.**

27. The Trustee will serve this Motion upon the Debtor, the Debtor's principal (Mr. Strzelecki), counsel to the Debtor, the Office of the United States Trustee, all creditors, taxing authorities, Governmental Authorities, and all parties that have filed requests for notice.

WHEREFORE, the Trustee respectfully requests this Court enter an Order:

- A. Granting the Trustee's Motion to Destroy Records (Re: Remaining Miscellaneous Debtor Records); and
- B. Granting the Trustee such other and further relief as is just.

Respectfully submitted,

**JOSEPH H. BALDIGA,  
CHAPTER 7 TRUSTEE**

/s/ Joseph H. Baldiga

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Dated: July 28, 2023

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
(CENTRAL DIVISION)**

**In re:**

**SOLAR WOLF ENERGY, INC.,  
Debtor.**

**Chapter 7  
Case No. 22-40693-CJP**

**ORDER ALLOWING TRUSTEE'S  
MOTION TO DESTROY ESTATE RECORDS**

Upon the Trustee's Motion to Destroy Estate Records (Re: Remaining Miscellaneous Debtor Records) (the "Motion") dated July 28, 2023, for an order allowing the Trustee<sup>1</sup> to destroy certain estate records; and the Court finding that the notice given of the Motion as set forth in the Certificate of Service accompanying the Motion and filed therewith is sufficient; and no objection to the Motion having been filed or any such objection having been withdrawn or overruled.

NOW, THEREFORE, IT IS HEREBY ORDERED that the Trustee may immediately destroy the Documents and Computers (as defined in the Motion) in his possession which consists of approximately thirty (30) boxes, plus twenty (20) personal computers (i.e., the Documents and Computers) currently located in the Trustee's Office (as defined in the Motion).

Dated: \_\_\_\_\_, 2023

\_\_\_\_\_  
Honorable Christopher J. Panos  
United States Bankruptcy Judge

<sup>1</sup> Unless otherwise defined herein, initially capitalized terms shall have the meanings ascribed to them in the Motion.



**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS  
(CENTRAL DIVISION)**

**In re:**

**SOLAR WOLF ENERGY, INC.,  
Debtor.**

**Chapter 7  
Case No. 22-40693-CJP**

**CERTIFICATE OF SERVICE**

I hereby certify that on July 28, 2023, I caused a copy of the following document to be served upon each party noted on the attached Service List by First-Class United States mail, postage pre-paid, or as otherwise noted on the attached Service List.

**Trustee's Motion to Destroy Estate Records  
(Re: Remaining Miscellaneous Debtor Records),  
with proposed Order.**

/s/ Joseph H. Baldiga

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Dated: July 28, 2023

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Chapter 7, Case No. 22-40693-CJP**

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**Solar Wolf Energy, Inc. Debtor  
Chapter 7, Case No. 22-40693-CJP**

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**Solar Wolf Energy, Inc. Debtor  
Chapter 7, Case No. 22-40693-CJP**

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**Solar Wolf Energy, Inc. Debtor  
Chapter 7, Case No. 22-40693-CJP**

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**Solar Wolf Energy, Inc. Debtor  
Chapter 7, Case No. 22-40693-CJP**

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**Solar Wolf Energy, Inc. Debtor  
Chapter 7, Case No. 22-40693-CJP**

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**SERVICE LIST**

**Solar Wolf Energy, Inc. Debtor  
Chapter 7, Case No. 22-40693-CJP**

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Chapter 7, Case No. 22-40693-CJP**

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Chapter 7, Case No. 22-40693-CJP**

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**Solar Wolf Energy, Inc. Debtor  
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